IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1215 OF 2007

Shri.Laxman Maruti Jadhav ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Amol A. Deshpande i/b. M.B.Zanwar, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 18th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.616 of 2006 of Kothrud Police Station. The said case is under Section 363, 366, 376, 374 of IPC.

3. It is the case of the complainant that the applicant committed rape on her daughter. The prosecutrix was 17 years old at the time of the incident. The statement of the prosecutrix shows that the applicant came to her house and rang the

doorbell. At that time her father opened the door and thereafter the applicant caught hold of her hand and took her away. He put her in a rickshaw and took her to Hadapsar. Thereafter, they stayed at the houses of various persons for about two weeks. The prosecutrix has stated that during the said period, she had sexual intercourse with the applicant. The prosecutrix has not stated in her statement that the said sexual intercourse was on account of force or fraud. On perusal of the material, there appears to be a case of consent. Hence, I am inclined to grant bail to the applicant.

4. The applicant Laxman Maruti Jadhav to be released on bail in the sum of Rs.10,000/- with one or two sureties to make up the said amount. The applicant shall report to Kothrud Police Station, Pune once in a month, till conclusion of the trial.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)